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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,265	05/24/2007	Franco Cimatti	294978US6PCT	6048
22850	7590	07/21/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HURLEY, KEVIN	
			ART UNIT	PAPER NUMBER
			3611	
			NOTIFICATION DATE	DELIVERY MODE
			07/21/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,265	CIMATTI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KEVIN HURLEY	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-39 is/are pending in the application.  
 4a) Of the above claim(s) 25 and 36-38 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-24, 27-29, 33-35 and 39 is/are rejected.  
 7) Claim(s) 26 and 30-32 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/14/06, 12/27/07</u> .                                       | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the species shown in Fig. 2 in the reply filed on 20 April 2009 is acknowledged.
  
2. Claims 25 and 36-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 20 April 2009.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The following terms do not find clear support or antecedent basis in the specification and thus it unclear what elements in the specification the claims are referring to:

in claim 21: "main drive wheels", "first clutch", "second clutch", and "secondary drive wheels";

in claim 23 the "synchronous gear";

in claim 24 "the third gear of the gearbox";

in claim 34 "the first propeller shaft" and "first differential"

in claim 39 "second differential".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-24, 27-29, 33-35, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamasaki et al. EP 442446.

Yamasaki et al. discloses a connectable four-wheel drive vehicle comprising:

an engine 1 having a drive shaft 6;

two main rear drive wheels 15,16 connected permanently to the drive shaft by interposition of a gearbox 23 having a first clutch 6;

two secondary front drive wheels 19,20 selectively connectable to the drive shaft by a connectable drive system 4;

wherein the connectable drive system comprises a second clutch 41 which, on one side, is connected mechanically to the drive shaft upstream from the gearbox, and, on another side, is connected mechanically to the secondary drive wheels;

wherein the second clutch, on one side, is connected with a fixed velocity ratio to the drive shaft upstream from the gearbox, and, on another side, is connected with a fixed velocity ratio to the secondary drive wheels;

wherein the gearbox comprises plural gears; and the connectable drive system includes a gear train 40 having a velocity ratio that, when a given synchronous gear of the gearbox is engaged, the input and output of the second clutch have the same speed;

wherein the synchronous gear is the third gear of the gearbox and the gear train is located downstream from the second clutch;

wherein the second clutch is controllable to transmit a torque ranging from zero to a maximum value;

the second clutch is an oil-bath clutch and comprises an actuator for adjusting a position of the second clutch and therefore a value of the torque transmitted by the second clutch;

wherein the engine is at a front, and is connected to main rear drive wheels by a power train comprising the first clutch and a first propeller shaft 9 terminating in the gearbox at the rear; a first differential 3 being cascade-connected to the gearbox, and from which extend two axle shafts 13,14, each integral with a respective rear drive wheel 15,16;

wherein the first clutch is located at a front and housed in a casing 48 integral with the engine;

wherein the connectable drive system comprises a second differential 53 driven by the second clutch and connected to two axle 17,18 shafts integral with the secondary drive wheels.

***Allowable Subject Matter***

6. Claims 26, 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN HURLEY whose telephone number is (571)272-6646. The examiner can normally be reached on Monday-Friday 9:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Hurley/  
Primary Examiner, Art Unit 3611

July 16, 2009